

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PETER O'REILLY
Plaintiff

v.

**NANCY A. BERRYHILL, Acting
Commissioner of Social Security
Administration**
Defendant

: CIVIL ACTION
:
: NO. 17-4925
:
:
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:
:
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ORDER

AND NOW, this 16th day of May 2019, upon consideration of the *Report and Recommendation* issued on April 30, 2019, by the Honorable David R. Strawbridge, United States Magistrate Judge (“the Magistrate Judge”), [ECF 12], and after a careful and independent review of the record, it is hereby **ORDERED** that:

1. The *Report and Recommendation* is **APPROVED** and **ADOPTED**.
2. Plaintiff’s request for review is **GRANTED**, *in part*.
3. The final decision of the Commissioner denying disability benefits to Plaintiff is **VACATED**.
4. The matter is **REMANDED** to the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g) for further proceedings consistent with the Magistrate Judge’s *Report and Recommendation*.¹

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro
NITZA I. QUIÑONES ALEJANDRO
Judge, United States District Court

¹ Neither Plaintiff nor the Acting Commissioner filed any objection and/or response to the *Report and Recommendation* (the “R&R”). In the absence of any objections, this Court reviewed the R&R under the “plain error” standard. *See Facyson v. Barnhart*, 2003 WL 22436274, at *2 (E.D. Pa. May 30, 2003). Under this plain error standard of review, an R&R should only be rejected if the magistrate judge commits an error that was “(1) clear or obvious, (2) affect[ed] ‘substantial rights,’ and (3) seriously affected the fairness, integrity or public reputation of judicial proceedings.” *Leyva v. Williams*, 504 F.3d 357, 363 (3d Cir. 2007) (internal quotations and citations omitted). Here, after a thorough review of the record and the R&R, this Court finds no error and, therefore, adopts the R&R in its entirety.